



Richard K. Herrmann  
302.888.6816  
rherrmann@morrisjames.com

October 22, 2007

**VIA EFILING AND HAND DELIVERY**

The Honorable Joseph J. Farnan, Jr.  
USDC for the District of Delaware  
844 King Street  
Wilmington, DE 19801

**Re: *Affymetrix, Inc. v. Illumina, Inc.*, D. Del., C.A. No. 04-901-JJF**

Your Honor:

Illumina writes to apprise the Court that it filed with the United States Patent and Trademark Office on Friday, October 19<sup>th</sup>, Requests for Ex Parte Reexamination Under 35 U.S.C. §§ 302-307 for the five patents-in-suit in the above-referenced case. We will let the Court know of any relevant developments as the reexamination process proceeds.

Respectfully,

*/s/ Richard K. Herrmann*

Richard K. Herrmann, I.D. No. 405  
*rherrmann@morrisjames.com*

cc: MaryEllen Noreika, Esq. (via email & hand delivery)  
Daniel Reed, Esq. (via email)